

FORTY-NINTH DAY
(Tuesday, April 12, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

Pastor Carl Linde, First Evangelical Free Church, Austin, Texas, offered the invocation as follows:

Our Gracious Loving Heavenly Father,

We come humbly into Thy presence in the realization that He whose resurrection we have so recently celebrated reminds us of the respect due our governing bodies. We thank Thee that He ever is alive to make intercession for us. We thank Thee for the rich heritage of our declaration of independence and its reminder to us that all men are created equal, they are endowed by their Creator with certain inalienable rights. We appeal to the Supreme Judge of the world for the rectitude of the intentions and actions of this Senate and its officers this day. May we ever demonstrate a firm reliance on the protection of Divine Providence.

Give to these Thy servants who have been placed in these important positions of leadership by Your Providence and the choice of the people a deep sense of their need for divine guidance in further establishing the legislation of their great State. May they be delivered from being motivated by personal gain or unwise prejudice, may their deliberations and decisions be marked by a keen insight into real needs of our society. May each of these be able to look back upon the activities of their day and their tenure in office without regret but with a deep sense of gratitude for being a vital part in the answers to the dilemmas which our society and our state face. Bestow upon these, the members of this Senate, its officers and servants, the courage and the wisdom to do that which is right, and make it clear to us all. May we always remember that righteousness exalts a nation and/or state, but sin is a reproach to any people. These favors and blessings we ask in the name of Jesus Christ, Our Lord and Savior. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 7, 1977, was dispensed with and the Journal was approved.

BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills:

S.B. 212

S.B. 338

S.B. 609

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Human Resources:

H.B. 298

Senator Creighton submitted the following report for the Committee on Economic Development:

C.S.H.B. 22 (Read first time)

C.S.S.B. 882 (Read first time)

MESSAGE FROM THE HOUSE

House Chamber
April 12, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 202, A bill to be entitled An Act amending Sections 3 and 7 of Chapter 341, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 1187f, Vernon's Texas Civil Statutes, as amended), authorizing and providing for the placing of the management and control of port facilities and the budgeting and authorization of expenditures from the incomes and revenues therefrom in the governing body of the City or in a board of trustees; enacting other provisions relating to the subject; and declaring an emergency.

S.B. 203, A bill to be entitled An Act authorizing the City of Galveston, Galveston County, Texas, or its Board of Trustees of the Galveston Wharves, to establish, operate and maintain a U. S. Foreign Trade Zone at Galveston, Galveston County, Texas, and sub-zones thereof; under the U. S. Foreign Trade Zones Act in accordance with regulations of the U. S. Foreign Trade Zones Board; authorizing the acceptance of such grant; and declaring an emergency.

S.B. 446, Relating to examination requirements for certain applicants for a chiropractor's license; amending Section 10, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes).

S.B. 59, A bill to be entitled An Act excluding from the definition of "sales price" in the Limited Sales, Excise and Use Tax Act receipts from certain mandatory service charges; and amending Subsection (3), Section (L), Article 20.01, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 75, A bill to be entitled An Act relating to the published notice by a firm desiring to become incorporated without a change in firm name; amending Article 2.02, Texas Miscellaneous Corporation Laws Act (Article 1302-2.02, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

S.B. 94, A bill to be entitled An Act relating to chiropractic colleges being represented on the anatomical board and receiving dead bodies for research and teaching; amending Article 4583 and Article 4585, Revised Civil Statutes of Texas, 1925, and Section 4, Chapter 375, Acts of the 61st Legislature, Regular Session, 1969 (Article 4590-2, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 26, A bill to be entitled An Act relating to procedures for the sale of real property under a tax lien; and declaring an emergency.

S.B. 527, Amending Section 2, Chapter 274, page 646, Acts of the 60th Legislature, Regular Session, 1967 (Art. 5069-6.05(7), Vernon's Texas Civil Statutes), providing for a first lien on certain property. (With amendments)

H.B. 42, A bill to be entitled An Act relating to residence requirements for nomination, election, or appointment to elective precinct offices following a change in boundaries of county commissioners precincts or justice of the peace precincts; amending Section 5, Texas Election Code, as amended (Article 1.05, Vernon's Texas Election Code), by adding Subdivision 2a; and declaring an emergency.

H.B. 591, A bill to be entitled An Act relating to county authority to construct and operate parking stations; amending Section 1, Chapter 168, Acts of the 59th Legislature, Regular Session, 1965 (Article 2372s, Vernon's Texas Civil Statutes).

H.B. 751, A bill to be entitled An Act relating to intercounty cooperation with regard to furnishing and operating jail facilities.

H.B. 21, A bill to be entitled An Act relating to the regulation of the practice of optometry; amending sections 1.02, 3.05, and 5.05 of the Texas Optometry Act; repealing all laws in conflict; providing for severability; and declaring an emergency.

H.B. 815, A bill to be entitled An Act adopting the Alcoholic Beverage Code, a formal revision of the Texas Liquor Control Act; repealing the Texas Liquor Control Act, as amended (Articles 666-1 through 667-33, Vernon's Texas Penal Auxiliary Laws), and making conforming amendments to other laws.

H.B. 992, A bill to be entitled An Act relating to wrongful death actions; amending Articles 4671, 4673, 4675, and 4677, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 533, A bill to be entitled An Act relating to the powers of the Hood County Hospital District; amending Section 12, Chapter 852, Acts of the 62nd Legislature, Regular Session, 1971, by adding Subsection (h).

H.B. 1026, A bill to be entitled An Act relating to the exclusion of certain persons transporting Cornish hens or commercial broilers from the railroad commission's jurisdiction over motor carriers; adding Subdivisions (k) and (l) to Section 1 and amending Subsection (1), Section 1a, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 911b, Vernon's Texas Civil Statutes).

H.B. 1029, A bill to be entitled An Act relating to leases of property owned by the Nacogdoches County Hospital District; amending Section 9, Chapter 431, Acts of the 60th Legislature, Regular Session, 1967.

H.B. 1140. A bill to be entitled An Act relating to mandatory retirement of employees covered by a civil service system in certain counties; amending Section 8, Chapter 262, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2372h-6, Vernon's Texas Civil Statutes), by adding Subsection (c).

H.B. 1166. A bill to be entitled An Act relating to the applicability of the Uniform Wildlife Regulatory Act in San Augustine County; amending the Parks and Wildlife Code by amending Section 303.001 and repealing Section 303.002 and Subchapters B, C, D, and E of Chapter 303.

H.B. 1195. A bill to be entitled An Act relating to the open seasons for hunting javelina, turkey, and quail in LaSalle County; amending Subsection (a) of Section 242.012, Subsection (a) of Section 242.021, and Subsection (a) of Section 242.022, Parks and Wildlife Code.

H.B. 1233. A bill to be entitled An Act relating to validation of the incorporation, boundaries, and governmental proceedings of general law municipalities.

H.B. 1304. A bill to be entitled An Act relating to the membership of the Board of Law Examiners and the fee for a bar examination; amending Articles 304 and 310, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 1424. A bill to be entitled An Act relating to the compensation of the judges of the County Court at Law No. 1, the County Court at Law No. 2, the County Court at Law No. 3, and the Court of Domestic Relations, all of Nueces County; amending Section 17, Chapter 362, Acts of the 51st Legislature, Regular Session, 1949 (Article 1970-339, Vernon's Texas Civil Statutes), as amended; amending Section 18, Chapter 14, Acts of the 53rd Legislature, 1st Called Session, 1954 (Article 1970-339A, Vernon's Texas Civil Statutes), as amended; amending Subsection (e), Section 4, Chapter 503, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970-339C, Vernon's Texas Civil Statutes), amending Section 2, Chapter 31, Acts of the 56th Legislature, Regular Session, 1959 (Article 2338-10, Vernon's Texas Civil Statutes), as amended; providing for severability; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

H.B. 1430. A bill to be entitled An Act relating to an election for the approval of a regional or area-wide system or systems under the Texas Water Quality Act; amending Chapter 21, Water Code, as amended, by amending Sections 21.203 and 21.204; by adding a new Section 21.206; and declaring an emergency.

H.B. 1453. A bill to be entitled An Act relating to regional jails, the construction, ownership, and maintenance, and the jurisdiction of sheriffs over prisoners incarcerated in regional jails; and amending Section 1 of Article 2370b and Section 4 of Article 4413(32c).

H.B. 1519. A bill to be entitled An Act relating to the creation, jurisdiction, administration, and procedures of the County Court at Law of Midland County; making other provisions relative to the courts in Midland County and the membership of the Midland County Juvenile Board; amending Section 1, Chapter 87, Acts of the 55th Legislature, Regular Session, 1957 (Article 51390, Vernon's Texas Civil Statutes).

H.B. 1653, A bill to be entitled An Act relating to ratification of the Interstate Compact for the Conservation and Utilization of Natural Energy and Water Resources.

H.B. 1792, A bill to be entitled An Act relating to workmen's compensation law; amending Section 7e, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 1793, A bill to be entitled An Act relating to workmen's compensation law; amending Article 8306, Revised Civil Statutes of Texas, 1925, as amended, by adding Section 3d; and declaring an emergency.

H.B. 1854, A bill to be entitled An Act relating to the reporting of serologic tests for determining the existence of infectious syphilis in applicants for marriage licenses; amending Section 1.26 of Chapter 1 of the Family Code.

H.B. 1876, A bill to be entitled An Act relating to hearings for contract providers of medical assistance; adding Section 9-A to Article 695j-1, Vernon's Texas Civil Statutes (The Medical Assistance Act of 1967).

H.B. 2058, A bill to be entitled An Act relating to runoff elections in cities and towns over 200,000; amending Section 1, Article 81, Texas Election Code, as amended (Article 7.16, Vernon's Texas Election Code); and declaring an emergency.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1237 by Harris State Affairs
Relating to the maximum percentage of alcohol that wine sold under certain permits may contain; amending subsections (17), (17)-A, and (17a), Section 15, Article I, Texas Liquor Control Act (Article 666-15, Vernon's Penal Auxiliary Laws, as amended); and declaring an emergency.

S.B. 1238 by Clower Natural Resources
Relating to the rate-making authority of the Texas Water Rights Commission; amending Section 6.056, Water Code.

S.B. 1239 by Clower Jurisprudence
Relating to the time to apply for new trial and for amending motions for new trial; amending Article 40.05, Code of Criminal Procedure, 1965, as amended.

S.B. 1240 by Clower Jurisprudence
Relating to when a defendant may begin serving his sentence after conviction; amending Section 5 of Article 42.03, Code of Criminal Procedure, 1965, as amended.

S.B. 1241 by Clower Jurisprudence

Relating to commencement of sentence and delivery to place of confinement; amending Section 2 of Article 42.09, Code of Criminal Procedure, 1965, as amended.

S.B. 1242 by Clower

Jurisprudence

Relating to the duration of bail bonds; adding a new Section 1(a) to Article 17.09, Code of Criminal Procedure, 1965.

S.B. 1243 by Clower

Jurisprudence

Relating to a surety's liability while a defendant is free on bond; adding a new section (c) to Article 42.15, Code of Criminal Procedure, 1965, as amended.

S.B. 1244 by Clower

Jurisprudence

Relating to discharge of a surety's liability on a bond; adding a new section (c) to Article 43.01, Code of Criminal Procedure, 1965, as amended.

S.B. 1245 by Aikin

Intergovernmental Relations

Relating to the appointment of reserve police officers in certain cities; amending Subsections (b) and (e) of, and adding Subsection (i) to, Section 1, Chapter 829, Acts of the 62nd Legislature, Regular Session, 1971 (Article 998a, Vernon's Texas Civil Statutes).

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House, were read the first time and referred to the Committee indicated:

H.B. 1110, To Committee on Education.

H.B. 1324, To Committee on State Affairs.

H.B. 991, To Committee on Economic Development.

H.B. 700, To Committee on Natural Resources.

H.B. 231, To Committee on Natural Resources.

H.B. 228, To Committee on Education.

H.C.R. 49, To Committee on Administration.

HOUSE CONCURRENT RESOLUTION 122 ON SECOND READING

The President laid before the Senate:

H.C.R. 122, Declaring April 12, 1977, as "Texas State Society for Prevention of Blindness Day".

On motion of Senator Jones of Taylor and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE CONCURRENT RESOLUTION 70 ON SECOND READING

The President laid before the Senate:

H.C.R. 70, Designating April 14, 1977, as Herman Seele Day in Texas in honor of this first public school teacher.

On motion of Senator Snelson and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RULE 103 SUSPENDED

On motion of Senator Adams and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might meet today at 4:30 o'clock p.m.

PRESENTATION OF GUEST

The President presented The Honorable Jack Warren, Ambassador of Canada.

Ambassador Warren addressed the Members of the Senate.

COMMITTEE SUBSTITUTE SENATE BILL 427 ON SECOND READING

Senator Santiesteban moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 427, An Act relating to the regulation of the practice of social work and the creation, duties, and authority of the Board of Examiners in Social Work; providing penalties; and declaring an emergency.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Creighton, Hance, Jones of Taylor, McKnight, Mengden, Patman, Sherman.

Absent: Moore.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 9.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Santiesteban, Schwartz, Snelson, Traeger, Williams.

Nays: Aikin, Creighton, Hance, Jones of Taylor, McKnight, Mengden, Patman, Sherman, Truan.

Absent: Moore.

COMMITTEE SUBSTITUTE SENATE BILL 427 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 427** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Creighton, Jones of Taylor, Mengden, Patman, Sherman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Patman, Hance, Creighton, Mengden, Sherman, and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE CONCURRENT RESOLUTION 86

Senator Moore offered the following resolution:

S.C.R. 86, Recalling Senate Bill 613 from the Governor for certain corrections.

On motion of Senator Moore and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 325 ON SECOND READING

Senator Hance asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 325, Relating to the qualifications for holding elective public offices, with special provisions relating to the office of school trustee; amending Subdivision 2, Section 5, Texas Election Code, as amended (Article 1.05, Vernon's Texas Election Code); also amending Section 22.05 and Subsection (c) of Section 23.19, Texas Education Code, and repealing Section 21.007, Texas Education Code.

There was objection.

Senator Hance then moved to suspend the regular order of business and take up **S.B. 325** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Mauzy, Schwartz, Truan.

Absent: Longoria, Santiesteban.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Hance offered the following amendment to the bill:

Amend **S.B. 325** by striking Section 2 in its entirety and substituting in lieu thereof the following:

Sec. 2. Section 22.05, Texas Education Code, is amended to read as follows:

"Sec. 22.05. **QUALIFICATIONS OF COMMON AND COMMON CONSOLIDATED SCHOOL DISTRICT TRUSTEES.** Each person elected or appointed to serve as a common school district trustee; ~~must~~

"(1) must possess the qualifications for election or appointment to an elective public office of a political subdivision as prescribed by the Texas Election Code at the time of his election or appointment; ~~be able to read and write the English language~~; and

"(2) as of the deadline for filing a request for a place on the ballot or as of the date of appointment, whichever is appropriate, must either

"(A) be a registered voter in an election precinct within the district;

"(B) have applied for transfer of an existing registration in the county to a precinct within the district; or

"(C) have applied for initial registration in a precinct within the district ~~have been a resident of the common school district for at least six months prior to his election or appointment and a qualified property taxpaying elector in the district~~; and

"(3) must be able to read and write the English language."

The amendment was read.

(Senator Farabee in Chair)

Senator Truan offered the following amendment to the amendment:

Amend Amendment Number 1 **S.B. 325** by striking out Sub-section 3 of Section 2.

The amendment to the amendment was read and was adopted.

On motion of Senator Hance and by unanimous consent, the amendment as amended was withdrawn.

The bill was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

MOTION TO PLACE SENATE BILL 325 ON THIRD READING

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 325** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present): Yeas 21, Nays 10.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Taylor, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, Parker, Patman, Schwartz, Truan.

COMMITTEE SUBSTITUTE SENATE BILL 735 ON THIRD READING

Senator Jones of Taylor asked unanimous consent to suspend the regular order of business to take up on its third reading and final passage:

C.S.S.B. 735, To amend Article 5.15 of the Insurance Code, as enacted by the 52nd Legislature, Acts 1951, Chapter 491; and declaring an emergency.

There was objection.

Senator Jones of Taylor then moved to suspend the regular order of business and take up **C.S.S.B. 735** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Snelson, Traeger, Williams.

Nays: Doggett, Mauzy, Schwartz, Sherman, Truan.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Snelson, Traeger, Williams.

Nays: Clower, Doggett, Longoria, Mauzy, Patman, Schwartz, Sherman, Truan.

COMMITTEE SUBSTITUTE SENATE BILL 678 ON THIRD READING

Senator Andujar asked unanimous consent to suspend the regular order of business to take up on its third reading and final passage:

C.S.S.B. 678, Relating to the Private Investigators and Private Security Agencies Act (codified as Article 4413(29bb), Vernon's Texas Civil Statutes; membership on the Texas Board of Private Investigators and Private Security Agencies; amending Section 5 of Article 4413(29bb), Vernon's Texas Civil Statutes; and declaring an emergency.

There was objection.

Senator Andujar then moved to suspend the regular order of business and take up **C.S.S.B. 678** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Traeger.

Nays: Adams, Clower, Doggett, Mauzy, Ogg, Parker, Sherman, Snelson, Truan, Williams.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy, Sherman, Snelson, Doggett, Truan, Williams, Ogg, Longoria, and McKnight asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 698 ON SECOND READING

Senator Santiesteban asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 698, Relating to subsurface mineral rights in certain public free school fund land; amending Section 1(a), Chapter 590, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 5421c-13, Vernon's Texas Civil Statutes); and adding Section 1A.

There was objection.

Senator Santiesteban then moved to suspend the regular order of business and take up **C.S.S.B. 698** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Creighton, Harris, Mengden.

Present-Not voting: Snelson.

The Presiding Officer then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 698 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 698** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: McKnight, Mengden, Snelson.

Absent: Creighton.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators McKnight, Snelson, Harris, Mengden, and Hance asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 867 ON SECOND READING

On motion of Senator Jones of Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 867, Relating to amendment of Chapter 3 of the Insurance Code of Texas as amended, providing for a new Article 3.51-7, providing for continuation group life and group accident and health insurance during labor dispute, providing for individual contributions, providing for an effective date and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 867 ON THIRD READING

Senator Jones of Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 867** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Creighton.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 661 ON SECOND READING

On motion of Senator Jones of Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 661, Relating to an exception to the limit to which any person or corporation may become liable to a state bank; amending Article 7, Subchapter V, Texas Banking Code of 1943, as amended (Article 342-507, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

SENATE BILL 661 ON THIRD READING

Senator Jones of Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 661** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Creighton.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Hance asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 918 ON SECOND READING

On motion of Senator Patman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 918, Relating to education for mentally retarded persons under the care and control of the Texas Department of Mental Health and Mental Retardation; amending Sec. 1.04, and Chapter 30, Texas Education Code; and declaring an emergency.

The bill was read second time.

Senator Patman offered the following committee amendment to the bill:

Amend Senate Bill No. 918 as follows:

- (1) Designate the first paragraph in quoted Section 30.83 as "(a)".
- (2) Strike the second paragraph in quoted Section 30.83 and substitute the following:

"(b) Personnel authorized under the Foundation School Program employed in the state facilities pursuant to this section shall receive as a minimum salary the monthly salary rate specified in Chapter 16 of the Texas Education Code, as amended; provided, however, such personnel may be paid from funds appropriated to the respective state facilities for the mentally retarded salary rates in excess of the minimum amounts specified in Chapter 16 of the Texas Education Code, as amended, but such salary rates shall never exceed the rates of pay for like positions in the public schools of the adjacent school district or districts."

The committee amendment was read and was adopted.

On motion of Senator Patman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 918 ON THIRD READING

Senator Patman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 918** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Creighton.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 738 RECOMMITTED

On motion of Senator Schwartz and by unanimous consent, **S.B. 738** was recommitted to the Committee on Jurisprudence.

SENATE BILL 374 RECOMMITTED

On motion of Senator Schwartz and by unanimous consent, **S.B. 374** was recommitted to the Committee on Natural Resources.

MEMORIAL RESOLUTIONS

S.R. 494 - by Snelson: Memorial resolution for Robert Simpson "Bob" Brennand, Jr.

S.R. 495 - by Snelson: Memorial resolution for Nathan Winkler.

S.R. 497 - by Jones of Taylor: Memorial resolution for C. E. Sitchler.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 490 - by Doggett: Extending welcome to Pastor Carl Linde.

S.R. 491 - by Adams: Extending congratulations to Cherokee County honorees of the Family Land Heritage Program.

S.R. 492 - by Clower: Extending welcome to Kathleen Isaacs.

S.R. 493 - by Clower: Extending welcome to Charlene Bigham.

S.R. 496 - by Jones of Taylor: Extending congratulations to Mrs. Mary Taylor Houk.

S.R. 498 - by Clower: Extending welcome to G. P. Hardy.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:58 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Comptroller**

(April 8, 1977)

S.B. 536

Sent to Governor

(April 12, 1977)

S.B. 212

S.B. 338

S.B. 609

S.B. 536